



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2528

DATE SCANNED 1-25-13

SCANNER NO. 2

SCAN OPERATOR JMN

13092682010



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2012 JUN 22 P 1:04

June 22, 2012

SENSITIVE

MEMORANDUM

TO: The Commission

THROUGH: Alec Palmer *AP*
Staff Director

FROM: Patricia Carmona *PC*
Chief Compliance Officer

DC Debbie Chacona
Assistant Staff Director
Reports Analysis Division

BY: *JW* Jodi Winship/Sari Pickeral *DP*
Compliance Branch

SUBJECT: Reason To Believe Recommendation – 2012 12 Day Pre-Primary
Report (Texas)

Attached is a list of a political committees and their treasurers who failed to file or timely file the 2012 12 Day Pre-Primary Report for the Texas Primary Election in accordance with 2 U.S.C. § 434(a). The 12 Day Pre-Primary Report was due on May 17, 2012 and the Primary Election was held on May 29, 2012.

The committees listed on the attached RTB Circulation Report either failed to file or failed to file timely the election sensitive report by the required due date. Election sensitive reports filed more than four days prior to the election are considered late and reports not filed more than four days prior to the election are considered not filed. In accordance with the schedule of civil money penalties for reports at 11 CFR § 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

Recommendation

1. Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Report violated 2 U.S.C. § 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

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13092682012

6/22/2012 11:38 AM

Federal Election Commission
Reason to Believe Circulation Report
2012 PRE-PRIMARY Election Sensitive 05/17/2012 AUTH (TX)

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2526	C00495937	ITAMAR GELBMAN FOR CONGRESS	GELBMAN, ITAMAR	ITAMAR GELBMAN	\$192,145	0		Not Filed	\$36,429	\$1,400
2527	C00506311	KIM MORRELL FOR CONGRESS	MORRELL, KIM	ROBERT J. LLORENTE	\$120,513	0	5/25/2012	Not Filed	\$36,682	\$1,400
2528	C00499160	WES RIDDLE FOR US CONGRESS	RIDDLE, WESLEY ALLEN	DANIEL LEON LUNSFORD II	\$589,232	0	5/30/2012	Not Filed	\$83,707	\$4,400

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe Recommendation 2012)
12 Day Pre-Primary Report (TX):)
ITAMAR GELBMAN FOR CONGRESS,) AF# 2526
and ITAMAR GELBMAN as treasurer;)
KIM MORRELL FOR CONGRESS, and) AF# 2527
ROBERT J LLORENTE as treasurer;)
WES RIDDLE FOR US CONGRESS, and) AF# 2528
DANIEL LEON LUNSFORD II as)
treasurer;)

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on June 25, 2012 the Commission took the following actions on the Reason To Believe Recommendation 2012 12 Day Pre-Primary Report (TX) as recommended in the Reports Analysis Division's Memorandum dated June 22, 2012, on the following committees:

AF#2526 Decided by a vote of 6-0 to: (1) find reason to believe that ITAMAR GELBMAN FOR CONGRESS, and ITAMAR GELBMAN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2527 Decided by a vote of 6-0 to: (1) find reason to believe that KIM MORRELL FOR CONGRESS, and ROBERT J LLORENTE as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would

13092682013

be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2528 Decided by a vote of 6-0 to: (1) find reason to believe that WES RIDDLE FOR US CONGRESS, and DANIEL LEON LUNSFORD II as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

June 26, 2012
Date

Shawn Woodhead Werth
Shawn Woodhead Werth
Secretary and Clerk of the Commission

13092682014



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 26, 2012

Daniel Leon Lunsford II, in official capacity as Treasurer
Wes Riddle for US Congress
110 E Central Avenue
Belton, TX 76513

C00499160
AF#: 2528

Dear Mr. Lunsford:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a 12 Day Pre-Primary Report of Receipts and Disbursements in any calendar year during which there is a regularly scheduled election for which the candidate is seeking election or nomination for election. This report, covering the period through May 9, 2012, shall be filed no later than May 17, 2012. 2 U.S.C. § 434(a). Because records at the Federal Election Commission ("FEC") indicate that this report was not filed prior to four (4) days before the election, it is considered not filed for the purpose of calculating the civil money penalty.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. § 434(a). 2 U.S.C. § 437g(a)(4). On June 25, 2012, the FEC found that there is reason to believe ("RTB") that Wes Riddle for US Congress and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) by failing to file timely this report on or before May 17, 2012. Based on the FEC's schedules of civil money penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$4,400. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 CFR § 111.34. Your payment of \$4,400 is due within forty (40) days of the finding, or by August 4, 2012, and is based on these factors:

Election Sensitivity of Report: Election Sensitive

Level of Activity: \$83,707

Number of Days Late: Not Filed (reports not filed prior to four (4) days before the Primary Election held on May 29, 2012 are considered not filed for the purpose of calculating the penalty)

Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty

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If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or August 4, 2012. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 2 U.S.C. § 437g. 11 CFR § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Wes Riddle for US Congress and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate

action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 CFR § 111.51(a)(2).

3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 CFR § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Sari Pickerall in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,

Carole C. Hunter

Caroline C. Hunter
Chair

13092682017

ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at RTB is \$4,400 for the 2012 Pre-Primary Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The remittance and your payment are due by August 4, 2012. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELDW WITH YOUR PAYMENT

FOR: Wes Riddle for US Congress

FEC ID#: C00499160

AF#: 2528

PAYMENT DUE DATE: August 4, 2012

PAYMENT AMOUNT DUE: \$4,400



C00499160
AF#: 2528

August 2, 2012

Federal Election Commission
Office of Administrative Review
999 E Street, NW
Washington, DC 20463

Dear Sirs:

In response to your letter of June 26th, 2012 regarding the filing of the 12 Day Pre-Primary Reporting of Receipts and Disbursements by the Wes Riddle for Congress committee, I am submitting a challenge to the RTB's finding of the civil money penalty calculated to be \$4,400.00.

I am filing this challenge based on the third of three grounds in which the FEC will consider challenges, that of "your demonstrated use of the best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR 111.5(b). The specific circumstances I would like to be given consideration is that of " (1) a failure of Commission Computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources" 11 CFR 111.35 (c).

To support my challenge and request to reconsider the proposed fine I submit the following declaration.

This declaration is made by:

Wes Riddle, Candidate CD 25
Wes Riddle for U.S. Congress

I Declare:

The 12 Day Pre-Primary Report of Receipts and Disbursements covering the period through May 9th was prepared by my staff and an attempt to file the report was made on May 17th. The software used in the preparation and filing was the software provided by the Federal Election Commission and was updated prior to the filing period.

In the first attempt to file the report it was not accepted by the FEC filing computer and the problem was determined to be that the software did not bring forward the ending balances from the previous filing period, thus creating errors that prevented the report from being accepted.

13092682019

Two members of my staff, Rachel Nolen and Denise Voss had telephone conversations with Michelle Grant, the FEC specialist assigned to Wes Riddle for Congress, CD 25, Texas. In these conversations they discussed the problems of the beginning balances not automatically carrying forward and it was determined that the software should have stored and provided the balances, in fact there was not a way to adjust the report manually.

At Ms. Grant's suggestion FEC Technical Support was contacted and the problem was discussed with numerous technicians. When a remedy for the problem was found the report was filed and accepted by the Commission.

I affirm that my campaign demonstrated use of the best efforts to file in a timely manner and was prevented from doing so by reasonably unforeseen circumstances that were beyond our control, specifically the failure of Commission Computers or Commission-provided software to import the balances of our previous reports into the current report despite our seeking technical assistance from Commission personnel and resources.

I respectfully file this challenge to the fine calculated, as I have had no previous fines or instances of non compliance, I attempted in good faith to comply with the regulations and time schedule of this report, I would ask that you reconsider the amount of the fine assessed and ask for leniency on behalf of the Commission.

I declare under penalty of perjury under the laws of the state of Texas that the foregoing is true and correct.

Signed at 110 E Central Avenue, Belton, Texas on August 4th, 2012

A handwritten signature in black ink, appearing to read 'Wes Riddle', is written over a horizontal line.

Signature of Declarant, Wes Riddle
Wes Riddle for Congressional District 25

13092682020



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Via First Class Mail

August 9, 2012

Daniel Leon Lunsford, II, in official capacity as Treasurer
Wes Riddle for US Congress
110 E Central Avenue
Belton, TX 76513

C00499160
AF#: 2528

Dear Mr. Lunsford:

On August 9, 2012, the Commission received your written response ("challenge") which is being reviewed by the Office of Administrative Review. If you have any questions regarding your challenge, please contact this Office on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

Sincerely,

A handwritten signature in black ink, appearing to read "Dayna C. Brown", is written over a horizontal line.

Dayna C. Brown
Reviewing Officer
Office of Administrative Review

cc: Wesley Allen Riddle, Candidate

13092682021

Date: August 10, 2012

**REFERRAL TO OFFICE OF ADMINISTRATIVE REVIEW
CHALLENGE RECEIVED**

AF#: 2528

Committee Name: Wes Riddle for US Congress

Committee ID#: C00499160

Committee Address (if different than in RTB letter): N/A

Treasurer Name (if different than in RTB finding): N/A

Attachments:

Copy of RTB Circulation Report, dated June 22, 2012 and RTB Certification, dated June 26, 2012 (Y/N): N

Attachment #: N/A

Proof of Delivery (to be forwarded at later date if not yet received) (Y/N): Y

Attachment #: 1

Other Relevant Telecoms (Y/N): N

Attachment #: N/A

Original Correspondence Received by RAD in Response to RTB Letter (Y/N): N

Attachment #: N/A

RAD Staff Declaration (Y/N): Y

-2012 Primary Election Report Prior Notice, dated April 23, 2012.

-Non-Filer Letter, dated May 18, 2012.

-RTB Letter, dated June 26, 2012.

Attachment #: 3

Other RAD Information: (Y/N): N

Attachment#: N/A

13092682022

**Delivery Notification**

Dear Customer,

This notice serves as proof of delivery for the shipment listed below.

Tracking Number: 1Z WF5 860 A2 9060 251 1
Reference Number(s): RAD, 2528
Service: NEXT DAY AIR
Special Instructions: ADULT SIGNATURE REQUIRED
Shipped/Billed On: 06/26/2012
Delivered On: 06/27/2012 9:13 A.M.
Delivered To: 110 E CENTRAL AVE
BELTON, TX, US 76513

Signed By: NOLEN
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Location: INSIDE DELIV

Thank you for giving us this opportunity to serve you.

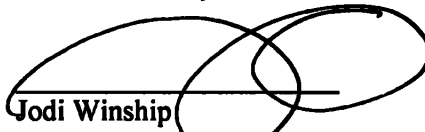
Sincerely,
UPS

Tracking results provided by UPS: 06/28/2012 9:49 A.M. ET

Attachment 1

DECLARATION OF JODI WINSHIP

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to Wes Riddle for US Congress:
 - A) Prior Notice, dated April 23, 2012, referencing the 2012 Pre-Primary Report
(sent via electronic mail to: info@wesriddle.com);
 - B) Non-Filer Letter, dated May 18, 2012, referencing the 2012 Pre-Primary Report;
 - C) Reason-to-Believe Letter, dated June 26, 2012 referencing the 2012 12 Day Pre-Primary Report.
3. I hereby certify that I have searched the Commission's public records and find that Wes Riddle for US Congress filed the 2012 Pre-Primary Report with the Commission on May 30, 2012.
4. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided. This declaration was executed at Washington, D.C. on the 9th day of August, 2012.


Jodi Winship
Chief, Compliance Branch
Reports Analysis Division
Federal Election Commission



PRIMARY ELECTION REPORT NOTICE

FEDERAL ELECTION COMMISSION

TEXAS

April 23, 2012

POLITICAL COMMITTEES INVOLVED IN THE PRIMARY (05/29/12):

REPORT	REPORTING PERIOD ¹	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
Pre-Primary	04/01/12 - 05/09/12	05/14/12	05/17/12
48-Hour Notices	05/10/12 - 05/26/12	-- TX primary candidates only -- see filing info --	
July Quarterly	05/10/12 - 06/30/12	07/15/12	07/15/12 ²

FOR POLITICAL COMMITTEES INVOLVED IN BOTH THE PRIMARY (05/29/12) AND RUNOFF (07/31/12), IF HELD:

REPORT	REPORTING PERIOD ¹	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
Pre-Primary	04/01/12 - 05/09/12	05/14/12	05/17/12
48-Hour Notices	05/10/12 - 05/26/12	-- TX primary candidates only -- see filing info --	
July Quarterly	05/10/12 - 06/30/12	07/15/12	07/15/12 ²
Pre-Runoff	07/01/12 - 07/11/12	07/16/12	07/19/12
48-Hour Notices	07/12/12 - 07/28/12	-- TX runoff candidates only -- see filing info --	
October Quarterly	07/12/12 - 09/30/12	10/15/12	10/15/12

WHO MUST FILE

The following committees must file the Texas Pre-Primary/Runoff Report(s):

- **Principal campaign committees** of congressional candidates (including unopposed candidates and candidates whose names do not appear on the ballot) who seek election in the primary election must file the above reports and notices.
- **PACs and party committees** filing on a quarterly basis in 2012 are subject to pre-election reporting if they make previously undisclosed contributions or expenditures (including independent expenditures) in connection with an election by the close of books of the applicable report(s).

Supplemental Filing Information is available:

- **Congressional Committees**
- **Parties and PACs**

Additional information for Texas Campaign Committees -- click here

¹ These dates indicate the beginning and end of the reporting period. A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered up through the close of books for the first report due.

² Notice that this filing deadline falls on a weekend or federal holiday. Filing deadlines are not extended when they fall on nonworking days. Accordingly, reports filed by methods other than registered, certified or overnight mail, or electronically, must be received before the Commission's (or the Secretary of the Senate's) close of business on the last business day before the deadline.

2012 SUPPLEMENTAL FILING INFORMATION CONGRESSIONAL COMMITTEES

PLEASE NOTE: The Commission provides reminders of upcoming filing dates as a courtesy to help committees comply with the filing deadlines set forth in the Act and Commission regulations. Committee treasurers must comply with all applicable filing deadlines established by law, and the lack of prior notice does not constitute an excuse for failing to comply with any filing deadline.

WHO MUST FILE

Principal campaign committees of congressional candidates¹ (including unopposed candidates and candidates whose names do not appear on the ballot) must file Quarterly Reports in 2012.²

Campaigns that raise or spend more than \$5,000 for the 2012 election cycle (and thus trigger registration and reporting requirements) must file quarterly reports throughout 2012, even if the candidate plans to retire, withdraws from the race prior to the primary election, loses the primary or drops out of the race prior to the general election. See 11 CFR 104.5(a)(2).

Before a committee can stop filing with the FEC, it must file a termination report with the Commission. See 11 CFR 102.3. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

METHODS OF FILING REPORTS

Electronic Filing

Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the filing deadline. See 11 CFR 104.5(e). See also 11 CFR 104.18 and 100.19.

- Web Page: Electronic Filing Page
- Campaign Guide for Congressional Candidates and Committees (Candidate Guide), pp. 83-86 [PDF]

Paper Filing - Meeting the Filing Deadline

Paper Report filing options -- Registered, Certified or Overnight or First Class Mail.

See 11 CFR 104.5(e). See also 11 CFR 100.19.

- Web Page: Link to Paper Forms (for downloading and printing)
- Candidate Guide, p. 82 [PDF]

¹ Generally, an individual becomes a candidate for federal office (and thus triggers registration and reporting obligations) when his or her campaign exceeds \$5,000 in either contributions or expenditures. If the campaign has not crossed the \$5,000 threshold, it is not required to file reports. See 11 CFR 100.3(a). See also 11 CFR 104.5(a).

² If a candidate has more than one authorized committee, the principal campaign committee files a consolidated report on Form 3Z [PDF]. See 11 CFR 104.3(f).

PRE- AND POST-ELECTION REPORTS

The principal campaign committee of any candidate participating in a 2012 state primary, nominating convention or runoff election -- even if unopposed -- must also file a pre-election report 12 days prior to the primary, nominating convention or runoff. The principal campaign committee of a candidate who participates in the general election must file pre- and post-general election reports. See 11 CFR.104.5(a)(2).

- Web Page: 2012 Congressional Pre-Primary Reporting Dates
- The Record:
 - FEC Record Blog: Reporting
 - January 2012 issue [PDF]
- Candidate Guide, pp. 81-82 [PDF]

COMPLIANCE

Treasurer Responsibility

Committee Treasurers are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time. See 11 CFR 104.14(d).

- Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings [PDF]
- Candidate Guide, pp. 7-9 [PDF]

Administrative Fine Program

Political committees and their treasurers who fail to file their reports on time may be subject to civil money penalties up to \$17,600 (or more for repeat late- and non-filers).³ See generally, 11 CFR Part 111 Subpart B. See also 11 CFR 111.43.

- Web Page: Administrative Fine Program
- Candidate Guide, pp. 82-83 [PDF]

IMPORTANT FILING INFORMATION - PAPER FILERS

In response to the 2001 anthrax threat, the U.S. Postal Service is irradiating mail directed to many federal agencies, including the FEC and the Secretary of the Senate.⁴ This process has not only delayed mail delivery, it has also damaged and in some cases destroyed pieces of mail. As a result, committees that file reports with the FEC may want to consider submitting their reports by some means other than U.S. mail. Alternative methods include electronic filing, overnight mail or delivery service, and hand delivery.

³ Penalties for late- or non-filing of 48-hour notices are based on the amount of contributions not timely disclosed. As a result, these penalties may exceed \$17,600, even for first-time violations.

⁴ Senate committees should contact the Secretary of the Senate at (202) 224-0322 for more information on filing reports via US mail.

2012 REPORTING SCHEDULE

- Web Page: [2012 Reporting Dates Page](#)
- The Record:
 - [FEC Record Blog: Reporting](#)
 - [January 2012 issue](#) [PDF]
- [Candidate Guide, p. 83](#) [PDF]

DISCLOSURE OF LOBBYIST BUNDLING ACTIVITY

Campaign committees must file [FEC Form 3L](#) [PDF] if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registrant PACs that aggregate in excess of \$16,700 during the applicable reporting period (see [page 1 of this notice](#)). See 11 CFR [104.22](#) and [110.17\(f\)](#).

- The Record: [March 2009 issue](#) [PDF]
- [Candidate Guide, Appendix F, pp. 155-161](#) [PDF]

SUPPLEMENTAL FILING INFORMATION TEXAS CAMPAIGN COMMITTEES ONLY

48 HOUR NOTICES ON CONTRIBUTIONS

The principal campaign committee must file notices if any authorized committees receive any contribution (including in-kind gifts or advances of goods or services; loans from the candidate or other non-bank sources; and guarantees or endorsements of bank loans to the candidate or committee) of \$1,000 or more per source, during the period of:

Primary: 05/10/12 - 05/26/12
Runoff: 07/12/12 - 07/28/12

The notices must reach the appropriate federal filing office within 48 hours of the committee's receipt of the contribution(s). Campaign committees that file electronically **MUST** submit their 48-hour notices electronically. See [11 CFR 104.5\(f\)](#).

- Web Page: [Link to Paper Forms](#) (for downloading and printing)
- Web Page: [Link to Web Form 6](#) (for online submission)
- Form 6 Fax numbers
 - Senate campaigns (Secretary of the Senate): (202) 224-1851
 - House Campaigns (FEC): (202) 219-0174
- Campaign Guide: [Candidate, p. 81](#) [PDF].

FOR INFORMATION, CALL: (800) 424-9530 or (202) 694-1100

2012 SUPPLEMENTAL FILING INFORMATION PACs AND PARTY COMMITTEES

PLEASE NOTE: The Commission provides reminders of upcoming filing dates as a courtesy to help committees comply with the filing deadlines set forth in the Act and Commission regulations. Committee treasurers must comply with all applicable filing deadlines established by law, and the lack of prior notice does not constitute an excuse for failing to comply with any filing deadline.

WHO MUST FILE

All Party Committees and PACs (Nonconnected Committees and Separate Segregated Funds) must file either quarterly or monthly reports in 2012. See 11 CFR 104.5(c). Before a committee can stop filing with the FEC, it must file a termination report with the Commission. See 11 CFR 102.3. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

METHODS OF FILING REPORTS

Electronic Filing

Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the filing deadline. See 11 CFR 104.5(e). See also 11 CFR 104.18 and 100.19.

- Web Page: Electronic Filing Page
- Campaign Guide: Nonconnected Committees (Nonconnected), pp. 51-53 [PDF]; Corporations and Labor Organizations (SSF), pp. 49-51 [PDF]; Political Party Committees (Party), pp. 69-71 [PDF].

Paper Filing -- Meeting the Filing Deadline

Paper report filing options -- Registered, Certified or Overnight or First Class Mail. See 11 CFR 104.5(e). See also 11 CFR 100.19.

- Web Page: Link to Paper Forms (for downloading and printing)
- Campaign Guide: Nonconnected, pp. 47-48 [PDF]; SSF, pp. 45-46 [PDF]; Party, p. 65 [PDF].

CHANGE IN FILING FREQUENCY

Committees able to change their reporting schedule (for example, from monthly to quarterly) who wish to do so must notify the Commission in writing and may change their filing frequency no more than once per calendar year. See 11 CFR 104.5(c).

- Web Page: Filing Frequency by Type of Committee
- Campaign Guide: Nonconnected, p. 51 [PDF]; SSF, p. 49 [PDF]; Party, p. 67 [PDF].

2012 REPORTING SCHEDULE

- Web Page: 2012 Reporting Dates Page
- The Record:
 - FEC Record Blog: Reporting
 - January 2012 issue [PDF]
- Campaign Guide: Nonconnected, pp. 49-51 [PDF]; SSF, pp. 46-48 [PDF]; Party, pp. 67-68 [PDF].

PRE-ELECTION REPORTING

Quarterly filing committees that make contributions or expenditures (including independent expenditures) in connection with an election must also file a Pre-Election Report, if the activity was not previously reported. See 11 CFR 104.5(c)(1)(ii).

- Web Page: 2012 Congressional Pre-Primary Reporting Dates Page
- The Record:
 - FEC Record Blog: Reporting
 - January 2012 issue [PDF]
- Campaign Guide: Nonconnected, pp. 49-51 [PDF]; SSF, pp. 46-48 [PDF]; Party, pp. 67-68 [PDF].

COMPLIANCE

Treasurer Responsibility

Committee treasurers are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time. See 11 CFR 104.14(d).

- Statement of Policy Regarding Treasurers Subject to Enforcement Proceeding [PDF]
- Campaign Guide: Nonconnected, pp. 3-4 [PDF]; SSF, pp. 1-2 [PDF]; Party, pp. 6-7 [PDF].

Administrative Fine Program

Failure to file reports on time may be subject to civil money penalties up to \$17,600 (or more for repeat late- or non-filers). See 11 CFR 111.43(b). See generally, 11 CFR Part 111 Subpart B. See also 11 CFR 111.43.

- Web Page: Administrative Fine Program Page
- Campaign Guide: Nonconnected, pp. 48-49 [PDF]; SSF, p. 46 [PDF]; Party, p. 66 [PDF].

DISCLOSURE OF LOBBYIST BUNDLING ACTIVITY

Party committees and Leadership PACs must file FEC Form 3L [PDF] if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registrant PACs that aggregate in excess of \$16,700 during the applicable reporting period (see page 1 of this notice). See 11 CFR 104.22 and 11 CFR 110.17(f).

- The Record: March 2009 issue [PDF]

48- AND 24-HOUR REPORTS OF INDEPENDENT EXPENDITURES

Any PAC or Party Committee that makes independent expenditures in 2012 may have to disclose this activity within 48- or 24-hours based upon the date and amount of the expenditure.

See 11 CFR 104.4(b)(2) and (c). See generally, 11 CFR 104.4.

- Web Page: State-by-state chart of 2012 48- and 24-hour periods for independent expenditures
- Campaign Guide: Nonconnected, pp. 72-74 [PDF]; SSF, pp. 65-67 [PDF]; Party, pp. 87-89 [PDF].

These reports are not required when a PAC or Party Committee makes a contribution directly to a candidate.

FOR INFORMATION, CALL: (800) 424-9530 or (202) 694-1100



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 18, 2012

RQ-7

DANIEL LEON LUNSFORD II, TREASURER
WES RIDDLE FOR US CONGRESS
110 E CENTRAL AVE
BELTON, TX 76513

IDENTIFICATION NUMBER: C00499160

REFERENCE: PRE-PRIMARY REPORT 4/1/2012 - 5/9/2012

DEAR TREASURER:

IT HAS COME TO THE ATTENTION OF THE FEDERAL ELECTION COMMISSION THAT YOU MAY HAVE FAILED TO FILE THE ABOVE REFERENCED REPORT OF RECEIPTS AND EXPENDITURES AS REQUIRED BY THE FEDERAL ELECTION CAMPAIGN ACT, AS AMENDED.

YOU WILL BE ALLOWED UNTIL 5:00 PM EST ON THE FOURTH (4th) BUSINESS DAY FROM THE DATE OF THIS NOTICE TO FILE THIS REPORT TO AVOID PUBLICATION. IF YOU HAVE ALREADY FILED THE REPORT BY EXPRESS, CERTIFIED OR REGISTERED MAIL OR ARE PLANNING TO FILE IT WITHIN FOUR (4) BUSINESS DAYS FROM THE DATE OF THIS NOTICE, PLEASE NOTIFY US IMMEDIATELY OF THE CERTIFIED, REGISTERED OR EXPRESS TRACKING NUMBER AND THE DATE THAT THE REPORT WAS SENT.

THE REPORT MUST BE FILED WITH THE FEDERAL ELECTION COMMISSION, 999 E STREET, N.W., WASHINGTON, D.C. 20463 FOR HOUSE CANDIDATES, OR THE SECRETARY OF THE SENATE, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510 (MAILING ADDRESS: OFFICE OF PUBLIC RECORDS, P.O. BOX 77578, WASHINGTON, DC 20013-7578), FOR SENATE CANDIDATES. PLEASE NOTE THAT ELECTRONIC FILERS MUST SUBMIT THEIR REPORTS ELECTRONICALLY, AS PER 11 CFR §104.18. A COPY OF THE REPORT MUST ALSO BE FILED WITH THE SECRETARY OF STATE OR EQUIVALENT STATE OFFICER UNLESS THE STATE IS EXEMPT FROM THE FEDERAL REQUIREMENT TO RECEIVE AND MAINTAIN PAPER COPIES.

IN ADDITION, THE FAILURE TO TIMELY FILE THIS REPORT MAY RESULT IN CIVIL MONEY PENALTIES, AN AUDIT OR OTHER LEGAL ENFORCEMENT ACTION. THE CIVIL MONEY PENALTY CALCULATION FOR LATE REPORTS DOES NOT INCLUDE A GRACE PERIOD AND BEGINS ON THE DAY FOLLOWING THE DUE DATE FOR THE REPORT.

IF YOU HAVE ANY QUESTIONS REGARDING THIS MATTER, PLEASE CONTACT CHRISTOPHER RITCHIE IN THE REPORTS ANALYSIS DIVISION ON OUR TOLL FREE NUMBER (800)484-9530. OUR LOCAL NUMBER IS (202)684-1139.

SINCERELY,

Debbie Chacona

DEBBIE CHACONA
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION (RAD)

Attachment 3

13092682031
12030812178



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2012 OCT -4 PM 3: 39

SENSITIVE

October 4, 2012

MEMORANDUM

To: The Commission

Through: Alec Palmer *AP*
Staff Director

From: Patricia C. Orrock *PCO*
Chief Compliance Officer

Dayna C. Brown *DCB*
Reviewing Officer
Office of Administrative Review

Subject: Reviewing Officer Recommendation in AF# 2528 – Wes Riddle for US Congress and Rachel Nolen, in her official capacity as Treasurer, (C00499160)

The attached Reviewing Officer Recommendation is being circulated on an informational basis. A copy was also sent to the respondents in accordance with 11 C.F.R. § 111.36(f). The respondents may file with the Commission Secretary a written response within 10 days of transmittal of the recommendation.

After the 10 day period, the Reviewing Officer Recommendation and the respondents' written response, if any, will be circulated to the Commission to make a final determination.

Attachment

13092682032



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 4, 2012

**REVIEWING OFFICER RECOMMENDATION
OFFICE OF ADMINISTRATIVE REVIEW ("OAR")**

AF# 2528 – Wes Riddle for US Congress and Rachel Nolen, in her official capacity as Treasurer (C00499160)

Summary of Recommendation

Make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a \$4,400 civil money penalty.

Reason-to-Believe Background

On June 25, 2012, the Commission found reason to believe ("RTB") that Wes Riddle for US Congress and Daniel Leon Lunsford, II¹, violated 2 U.S.C. § 434(a) for failing to file the 12 Day Pre-Primary Report and made a preliminary determination that the civil money penalty was \$4,400, based on the schedule of penalties at 11 C.F.R. § 111.43. A letter, dated June 26, 2012, was mailed to the respondents' address of record by the Reports Analysis Division ("RAD") to notify them of the Commission's RTB finding and civil money penalty.

Legal Requirements

The Federal Election Campaign Act requires that 12 day pre-election reports be filed by the treasurer of a principal campaign committee no later than the 12th day before any election in which the candidate is seeking election, or nomination for election. 2 U.S.C. § 434(a)(2)(A)(i) and 11 C.F.R. § 104.5(a)(2)(i). Reports electronically filed must be received and validated at or before 11:59 p.m., Eastern Standard/Daylight Time on the prescribed filing date to be timely filed. 11 C.F.R. §§ 100.19(c) and 104.5 (e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

Respondents' Challenge

On August 9, 2012, the Commission received the written response ("challenge") from the Candidate, challenging the RTB finding on the grounds that they used best efforts to file in a timely manner but were prevented from doing so due to reasonably unforeseen circumstances. Specifically, the Candidate states that Commission computers or Commission-provided software failed to import the balances of their previous reports into the current report, despite their seeking technical assistance from Commission personnel and resources.

The Candidate states that the report was prepared by staff who attempted to file the report on May 17, however, the software's failure to bring forward the ending balances from the previous report caused errors which prevented the report from being accepted. The Candidate further states that two of his staff members spoke with the Committee's Reports Analyst about the beginning balances not automatically carrying forward, and it was determined that the

¹ On August 9, 2012, an amended Statement of Organization was filed disclosing Rachel Nolen as Treasurer.

software should have stored and provided the balances, and there was no way to adjust the report manually. At the Analyst's suggestion they contacted FEC Technical Support, discussed the problem with numerous technicians, and when a remedy for the problem was found, the report was fixed and accepted by the Commission. He asks that the Commission reconsider the assessed fine, as he has no previous fines or instances of noncompliance, and attempted in good faith to comply with the regulations.

Analysis

The respondents' challenge implies that they first learned of their problems with balances from prior reporting periods not carrying forward when attempting to file their 12 Day Pre-Primary Report on May 17; however, RAD telecoms (written records of telephone conversations) show that the respondents were informed of this issue one month earlier when speaking with their Reports Analyst on April 16. On this date, Denise Voss contacted the Analyst regarding the negative cash-on-hand disclosed on their 2012 April Quarterly Report, and the Analyst explained that if the negative cash-on-hand was due to the Committee having created two dcf files, their new report would have the same figures in Column A and Column B. Ms. Voss verified that their April Quarterly Report was showing the same figures in Columns A and B, and indicated that she would contact Rachel Nolen to assist her with creating the report in the same dcf file as their 2011 Year End Report.

According to the Manager of the Systems Analysis and Design Branch within the Commission's Information Technology Division ("ITD"), FECFile is an application software that maintains all of a Committee's report history in its dataset. He explains that there is only one dataset (or dcf file) for the entire life-cycle of a Committee's filing activity, and that this single dcf file is necessary in order for aggregation values to carry forward into subsequent reports. The ITD Manager further states that on August 10, 2012, the respondents called the Electronic Filing Office ("EFO") for assistance with merging multiple datasets/dcf files. According to the EFO Technician, the respondents had created a new dataset/dcf file for each report filed in 2012. Therefore, it was the Committee's creation of multiple dcf files, as first discussed in their April 16 conversation with their Reports Analyst, that prevented the ending balance from the previous report from being brought forward into their 12 Day Pre-Primary Report.

The creation of multiple dcf files, however, did not prevent the Committee from timely filing the report. As the EFO Technician notes, the respondents created a new dcf file for each of their 2012 reports, however, of those four 2012 reports (April Quarterly, 12 Day Pre-Primary, July Quarterly and 12 Day Pre-Runoff) only one, the 12 Day Pre-Primary Report, was filed late. Therefore, although the creation of multiple dcf files impacts aggregation values disclosed on a report, as explained by the ITD Manager, it does not prevent the actual filing of a report. Consequently, of the challenge's contention that the respondents attempted to file the report on its May 17 due date but received an error which prevented them from doing so, the ITD Manager states that there is no record of a filing receipt or error log from an attempted filing by the respondents on or around May 17. Additionally, the ITD Manager confirms that there is no evidence of any problem with the FECFile software that would have prevented the respondents from timely filing 12 Day Pre-Primary Report.

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Regarding the challenge's contention that the respondents sought the assistance of both their Reports Analyst and the EFO, on May 18, the day after the report was due, the EFO sent an email notification to rachel@wesriddle.com, informing them that they failed to file report. Also on this date, a non-filer letter was mailed to the respondents' address of record from RAD. Commission records indicate that they did not call RAD or the EFO for assistance with filing the report, and the report was filed 12 days later on May 30. Subsequent conversations with the Reports Analyst regarding the respondents' need to consolidate their dcf files took place on July 16 and August 2, amidst discussion of several outstanding Requests for Additional Information sent by RAD. The respondents did not call the EFO for assistance with consolidating the dcf files until August 10, nearly three months after the 12 Day Pre-Primary Report was due.

Negligence and a committee's failure to use filing software properly are included at 11 C.F.R. § 111.35(d) as examples of circumstances that are not considered reasonably unforeseen and beyond the respondents' control. Their challenge fails to meet any of the three valid grounds at 11 C.F.R. § 111.35(b). These are: (i) the RTB finding is based on factual errors; and/or (ii) the improper calculation of the civil money penalty; and/or (iii) they used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control and they filed the report no later than 24 hours after the end of these circumstances. The Reviewing Officer, therefore, recommends that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$4,400.

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 2528 involving Wes Riddle for US Congress and Rachel Nolen, in her official capacity as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 2528 that Wes Riddle for US Congress and Rachel Nolen, in her official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$4,400; and
- (3) Send the appropriate letter.

Reviewing Officer: Dayna C. Brown

Attachments

Attachment 1 – Challenge Received from Respondents

Attachment 2 –

Attachment 3 – Declaration from RAD

Attachment 4 – Declaration from OAR

DECLARATION OF DAYNA C. BROWN

1. I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
2. The 2012 12 Day Pre-Primary Report is due May 17, 2012. If electronically filed, it must be received and validated by the Commission at or before 11:59 p.m., Eastern Standard/Daylight Time on May 17, 2012 to be timely filed.
3. It is the practice of the Authorized Branch in the Commission's Report Analysis Division to document all calls to or from committees regarding a letter they received or any questions relating to the administrative fine regulations including due dates of reports and filing requirements.
4. I hereby certify that I have searched the Commission's public records and that the documents identified herein are the true and accurate copies of:
 - a) Pages 1 and 3 of the amended Statement of Organization filed by Wes Riddle for US Congress and Rachel Nolen. According to the Commission's records, the document is dated September 23, 2011, and was received on September 27, 2011. Line 7 lists Rachel Nolen as the Committee's Secretary/Scheduler and Line 8 lists Daniel Leon Lunsford as the Committee's Treasurer;
 - b) Page 1 of the Summary Page for the 2012 April Quarterly Report electronically filed by Wes Riddle for US Congress and Rachel Nolen. According to the Commission's records, the report covers the period from January 1 through March 31, 2012, and was received April 15, 2012;
 - c) Page 1 of the Summary Page for the 2012 12 Day Pre-Primary Report electronically filed by Wes Riddle for US Congress and Rachel Nolen. According to the Commission's records, the report covers the period from April 1 through May 9, 2012, and was received May 30, 2012;
 - d) Page 1 of the Summary Page for the 2012 July Quarterly Report electronically filed by Wes Riddle for US Congress and Rachel Nolen. According to the Commission's records, the report covers the period from May 10 through June 30, 2012, and was received July 16, 2012;
 - e) Page 1 of the Summary Page for the 2012 12 Day Pre-Runoff Report electronically filed by Wes Riddle for US Congress and Rachel Nolen. According to the Commission's records, the report covers the period from July 1 through July 11, 2012, and was received July 20, 2012;
 - f) Pages 1 and 3 of the amended Statement of Organization electronically filed by Wes Riddle for US Congress and Rachel Nolen, in her official capacity as Treasurer. According to the Commission's records, the document was received on August 9, 2012. Line 8 lists Rachel Nolen as the Committee's Treasurer.

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5. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington on the 4th of October, 2012.



Dayna C. Brown
Reviewing Officer
Office of Administrative Review
Federal Election Commission

13092682037

FEC
FORM 1

STATEMENT OF
ORGANIZATION

RECEIVED

2011 SEP 27 PM 1:28

FEC MAIL CENTER

1. NAME OF
COMMITTEE (in full)

(Check if name
is changed)

Example: If typing, type
over the lines.

12FE4M5

WES RIDDLE FOR US CONGRESS

ADDRESS (number and street)

1110 E CENTRAL AVE

(Check if address
is changed)

BEILTON

TX

7665131

CITY

STATE

ZIP CODE

COMMITTEE'S E-MAIL ADDRESS (Please provide only one e-mail address)

(Check if address
is changed)

LINE@WESRIDDLE.COM

COMMITTEE'S WEB PAGE ADDRESS (URL)

(Check if address
is changed)

WWW.WESRIDDLE.COM

2. DATE

09 ' 23 ' 2011

3. FEC IDENTIFICATION NUMBER

C To be Assigned

4. IS THIS STATEMENT

NEW (N)

OR

X

AMENDED (A)

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

Assistant

Daniel Lee Lunsford II Rachel Nolen

Signature of Treasurer

Rachel Nolen

Date

09 ' 23 ' 2011

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g.

ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

Office
Use
Only

For further information contact:
Federal Election Commission
Toll Free 800-424-9530
Local 202-694-1100

FEC FORM 1
(Revised 02/2009)

Write or Type Committee Name

6. Name of Any Connected Organization, Affiliated Committee, Joint Fundraising Representative, or Leadership PAC Sponsor

Mailing Address

CITY

STATE

ZIP CODERelationship: ☐ Connected Organization ☐ Affiliated Committee ☐ Joint Fundraising Representative ☐ Leadership PAC Sponsor

7. **Custodian of Records:** Identify by name, address (phone number - optional) and position of the person in possession of committee books and records.

Full Martin

RACHEL NGLEN

Mailing Address

110 E Central Ave

Be Han

TX

1715131

Title or Position

CITY

STATE

ZIP CODE

Secretary / scheduler

Telephone number 2154-1931-107010

8. **Treasurer:** List the name and address (phone number -- optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).

**Full Name
of Treasurer**

DANIEL LEON LUNSFORD

Making Additions

170 E CENTRAL AVE

BELTOWN

[T.X]

1716513

Title or Position

TREASURER

Telephone number. 254-939-1550

**FEC
FORM 3****REPORT OF RECEIPTS
AND DISBURSEMENTS**
For An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (in full) TYPE OR PRINT ▼ Example: If typing, type over the lines. 12FE4M5

Wes Riddle for US Congress

ADDRESS (number and street)

110 E. Central Ave

Check if different
than previously
reported. (ACC)

Belton

TX

76513

2. FEC IDENTIFICATION NUMBER ▼

C C00499160

CITY ▲

STATE ▲

ZIP CODE ▲

STATE ▼ DISTRICT

3. IS THIS
REPORT

X

NEW
(N)

OR

AMENDED
(A)

TX

25

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

X

April 15 Quarterly Report (Q1)

0

July 15 Quarterly Report (Q2)

0

October 15 Quarterly Report (Q3)

0

January 31 Year-End Report (YE)

0

Termination Report (TER)

(b) 12-Day PRE-Election Report for the:

0

Primary (12P)

0

General (12G)

0

Runoff (12R)

0

Convention (12C)

0

Special (12S)

Election on

MM / DD / YYYY

in the
State of

(c) 30-Day POST-Election Report for the:

0

General (30G)

0

Runoff (30R)

0

Special (30S)

Election on

MM / DD / YYYY

in the
State of

5. Covering Period

MM / DD / YYYY
01 / 01 / 2012

through

MM / DD / YYYY
03 / 31 / 2012

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Rachel Nolen

Signature of Treasurer

Rachel Nolen

[Electronically Filed]

Date

MM / DD / YYYY
04 / 15 / 2012

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

Office
Use
Only**FEC FORM 3**
(Revised 02/2003)

**FEC
FORM 3****REPORT OF RECEIPTS
AND DISBURSEMENTS**
For An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (In full) TYPE OR PRINT ▼ Example: If typing, type over the lines. 12FE4M5

Wes Riddle for US Congress

ADDRESS (number and street)

110 E. Central Ave

Check if different
than previously
reported. (ACC)

Belton

TX

76513

2. FEC IDENTIFICATION NUMBER ▼

C C00499160

CITY ▲

STATE ▲

ZIP CODE ▲

STATE ▼ DISTRICT

3. IS THIS
REPORT☒NEW
(N)

OR

AMENDED
(A)

TX

25

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

☐ April 15 Quarterly Report (Q1)☐ July 15 Quarterly Report (Q2)☐ October 15 Quarterly Report (Q3)☐ January 31 Year-End Report (YE)☐ Termination Report (TER)

(b) 12-Day PRE-Election Report for the:

☒

Primary (12P)

General (12G)

Runoff (12R)

☐

Convention (12C)

Special (12S)

Election on

MM / DD / YYYY
05 / 29 / 2012in the
State of

TX

(c) 30-Day POST-Election Report for the:

☐

General (30G)

☐

Runoff (30R)

☐

Special (30S)

Election on

MM / DD / YYYY
05 / 29 / 2012in the
State of

TX

5. Covering Period

MM / DD / YYYY
04 / 01 / 2012

through

MM / DD / YYYY
05 / 09 / 2012

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Rachel Nolen

Signature of Treasurer

Rachel Nolen

[Electronically Filed]

Date

MM / DD / YYYY
05 / 09 / 2012

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

Office
Use
Only**FEC FORM 3**
(Revised 02/2003)

**FEC
FORM 3****REPORT OF RECEIPTS
AND DISBURSEMENTS**
For An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (in full) TYPE OR PRINT ▼ Example: If typing, type over the lines. 12FE4M5

Wes Riddle for US Congress

ADDRESS (number and street) 110 E. Central Ave
Check if different than previously reported. (ACC) Belton TX 765022. FEC IDENTIFICATION NUMBER ▼ CITY ▲ STATE ▲ ZIP CODE ▲
C C00499160 3. IS THIS REPORT X NEW (N) OR AMENDED (A) TX 25

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

- ☐ April 15 Quarterly Report (Q1)
- ☒ July 15 Quarterly Report (Q2)
- ☐ October 15 Quarterly Report (Q3)
- ☐ January 31 Year-End Report (YE)
- ☐ Termination Report (TER)

(b) 12-Day PRE-Election Report for the:

- ☐ Primary (12P) ☐ General (12G) ☐ Runoff (12R)
- ☐ Convention (12C) ☐ Special (12S)

Election on

MM / DD / YYYY

in the State of

(c) 30-Day POST-Election Report for the:

- ☐ General (30G) ☐ Runoff (30R) ☐ Special (30S)

Election on

MM / DD / YYYY

in the State of

5. Covering Period

MM / DD / YYYY
05 / 10 / 2012

through

MM / DD / YYYY
06 / 30 / 2012

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Rachel Nolen

Signature of Treasurer

Rachel Nolen

[Electronically Filed]

Date

MM / DD / YYYY
07 / 15 / 2012

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

Office
Use
Only**FEC FORM 3**
(Revised 02/2003)

**FEC
FORM 3****REPORT OF RECEIPTS
AND DISBURSEMENTS**
For An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (In full) TYPE OR PRINT ▼ Example: If typing, type over the lines. 12FE4M5

Wes Riddle for US Congress

ADDRESS (number and street)

110 E. Central Ave

Check if different
than previously
reported. (ACC)

Belton

TX

76513

2. FEC IDENTIFICATION NUMBER ▼

C C00499160

CITY ▲

STATE ▲

ZIP CODE ▲

STATE ▼ DISTRICT

3. IS THIS
REPORTNEW
(N)

OR

AMENDED
(A)

TX

25

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

☐ April 15 Quarterly Report (Q1)☐ July 15 Quarterly Report (Q2)☐ October 15 Quarterly Report (Q3)☐ January 31 Year-End Report (YE)☐ Termination Report (TER)

(b) 12-Day PRE-Election Report for the:



Primary (12P)



General (12G)



Runoff (12R)



Convention (12C)



Special (12S)

Election on

MM / DD / YYYY
07 / 31 / 2012in the
State of

TX

(c) 30-Day POST-Election Report for the:



General (30G)



Runoff (30R)



Special (30S)

Election on

MM / DD / YYYY

in the
State of

5. Covering Period

MM / DD / YYYY
07 / 01 / 2012

through

MM / DD / YYYY
07 / 11 / 2012

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Rachel Nolen

Signature of Treasurer

Rachel Nolen

[Electronically Filed]

Date

MM / DD / YYYY
07 / 19 / 2012

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

Office
Use
Only**FEC FORM 3**
(Revised 02/2003)

FEC
FORM 1STATEMENT OF
ORGANIZATION

Office Use Only

1. NAME OF COMMITTEE (in full) (Check if name is changed) Example: If typing, type over the lines. 12FE4M5

Wes Riddle for US Congress

ADDRESS (number and street)

110 E. Central Ave

(Check if address is changed)

Belton

CITY ▲

TX

STATE ▲

76513

ZIP CODE ▲

COMMITTEE'S E-MAIL ADDRESS

(Check if address is changed)

info@wesriddle.com

Optional Second E-Mail Address

Wes@wesriddle.com

COMMITTEE'S WEB PAGE ADDRESS (URL)

(Check if address is changed)

www.WesRiddle.com

2. DATE

08 / 09 / 2012

3. FEC IDENTIFICATION NUMBER ►

C C00499160

4. IS THIS STATEMENT



NEW (N)

OR



AMENDED (A)

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Rachel Nolen

Signature of Treasurer

Rachel Nolen

[Electronically Filed]

Date

08 / 09 / 2012

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g. ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

Office
Use
OnlyFor further information contact:
Federal Election Commission
Toll Free 800-424-9530
Local 202-694-1100FEC FORM 1
(Revised 08/2012)

13092682044

Write or Type Committee Name

Wes Riddle for US Congress

6. Name of Any Connected Organization, Affiliated Committee, Joint Fundraising Representative, or Leadership PAC Sponsor

NONE

Mailing Address

CITY

STATE

ZIP CODE

Relationship: ☒ Connected Organization ☐ Affiliated Committee ☐ Joint Fundraising Representative ☐ Leadership PAC Sponsor

7. Custodian of Records: Identify by name, address (phone number -- optional) and position of the person in possession of committee books and records.

Full Name

Mailing Address

Title or Position

CITY

STATE

ZIP CODE

Telephone number

8. Treasurer: List the name and address (phone number -- optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).

Full Name
of Treasurer

Rachel Nolen

Mailing Address

110 E. Central Ave

Belton

CITY

STATE

ZIP CODE

Title or Position
Treasurer

Telephone number

254

939

5597

13092682045



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

October 5, 2012

Rachel Nolen, in official capacity as Treasurer
Wes Riddle for US Congress
110 E. Central Avenue
Belton, TX 76513

C00499160
AF# 2528

Dear Ms. Nolen:

On June 25, 2012, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Wes Riddle for US Congress and Daniel Leon Lunsford, II, in his official capacity as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to file the 2012 12 Day Pre-Primary Report. The Commission also made a preliminary determination that the civil money penalty was \$4,400 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing the written response and any supplemental information submitted by the Committee and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination in this matter. A copy of the Reviewing Officer's recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 999 E Street, NW, Washington, DC 20463. As a result of the anthrax threat in the Washington, DC area, US Postal Service mail delivery to federal agencies, including the Commission, has been interrupted. Until regular mail delivery resumes, you may also file your written response with the Commission Secretary via facsimile (202-208-3333) or by courier at the same address (if you use an overnight delivery service, please use zip code 20004 instead of zip code 20463). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

Please contact me at the toll free number 860-424-9530 (press 0, then press 1660) or 202-694-1660 if you have any questions.

Sincerely,

Dayna C. Brown
Reviewing Officer
Office of Administrative Review

cc: Wesley Allen Riddle, Candidate
Attachment

13092682046



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2012 OCT 18 PM 2: 08

SENSITIVE

October 18, 2012

MEMORANDUM

To: The Commission

Through: Alec Palmer *AP*
Staff Director

From: Patricia C. Orrock *PCO*
Chief Compliance Officer

Dayna C. Brown *DCB*
Reviewing Officer
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 2528 – Wes Riddle for US Congress and Rachel Nolan, in official capacity as Treasurer (C00499160)

On June 25, 2012, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to file the 2012 12 Day Pre-Primary Report and also made a preliminary determination that the civil money penalty was \$4,400 based on the schedule of penalties at 11 C.F.R. § 111.43.

On August 9, 2012, the Commission received the respondents' written response ("challenge"). After reviewing the challenge, the Reviewing Officer's recommendation dated October 4, 2012 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission make a final determination that they violated 2 U.S.C. § 434(a) and assess a \$4,400 civil money penalty because they submitted no evidence that a factual error was made in the RTB finding, that the penalty was miscalculated at RTB or that they used best efforts to file on time. 11 C.F.R. § 111.35(b).

Within 10 days of transmittal of the recommendation, they may file a written response with the Commission Secretary which may not raise any arguments not raised in their challenge or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). As of this date, a written response has not been received.

15092682047

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 2528 involving Wes Riddle for US Congress and Rachel Nolen, in her official capacity as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 2528 that Wes Riddle for US Congress and Rachel Nolen, in her official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$4,400; and
- (3) Send the appropriate letter.

13092682048

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Final Determination Recommendation:) AF 2528
Wes Riddle for US Congress and Rachel)
Nolen, in her official capacity as)
Treasurer (C00499160))

CERTIFICATION

I, Shelley E. Garr, Deputy Secretary of the Federal Election Commission,
do hereby certify that on November 01, 2012, the Commission decided by a
vote of 6-0 to take the following actions in AF# 2528:

1. Adopt the Reviewing Officer recommendation for AF# 2528 involving Wes Riddle for US Congress and Rachel Nolen, in her official capacity as Treasurer, in making the final determination.
2. Make a final determination in AF# 2528 that Wes Riddle for US Congress and Rachel Nolen, in her official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$4,400.
3. Send the appropriate letter.

Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and
Weintraub voted affirmatively for the decision.

Attest:

November 1, 2012
Date

Shelley E. Garr
Shelley E. Garr
Deputy Secretary of the Commission

13092682049



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 5, 2012

**VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Rachel Nolen, in official capacity as Treasurer
Wes Riddle for US Congress
110 E. Central Avenue
Belton, TX 76513

C00499160
AF# 2528

Dear Ms. Nolen:

On June 25, 2012, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Wes Riddle for US Congress and Daniel Leon Lunsford, II, in official capacity as Treasurer, violated 2 U.S.C. § 434(a) for failing to file the 2012 12 Day Pre-Primary Report. By letter dated June 26, 2012, the Commission sent notification of the RTB finding that included a civil money penalty calculated at RTB of \$4,400 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On August 9, 2012, the Office of Administrative Review received your written response, challenging the RTB finding.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and the written response. Based on this review, the Reviewing Officer recommended that the Commission make a final determination that Wes Riddle for US Congress and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty in the amount of \$4,400 in accordance with 11 C.F.R. § 111.43. The basis for the Reviewing Officer's recommendation was included in the Final Determination Report, a copy of which was sent to you on October 5, 2012.

On November 1, 2012, the Commission adopted the Reviewing Officer's recommendation and made a final determination that Wes Riddle for US Congress and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assessed a civil money penalty of \$4,400. It is based on the same factors used to calculate the civil money penalty at RTB. A copy of the final determination recommendation is attached.

If You Choose to Appeal the Final Determination and/or Civil Money Penalty

If you choose to appeal the final determination, you should submit a written petition, within 30 days of receipt of this letter, to the district court of the United States for the district in which the committee or treasurer reside, or transact business, requesting that the final

13092682050

determination be modified or set aside. See 2 U.S.C. § 437g(a)(4)(C)(iii). Your failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

If You Choose Not to Pay the Civil Money Penalty and Not to Appeal

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 et seq. If you do not pay this debt within 30 days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within 5 days of the transfer to Treasury, Treasury will contact the debtor and request payment. Treasury currently charges a fee of 28% of the civil money penalty amount for its collection services, and 30% on debts over two years old. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA").

Actions which may be taken to enforce recovery of a delinquent debt by Treasury may also include: (1) offset of any payments, which the debtor is due, including tax refunds and salary; (2) referral of the debt to agency counsel for litigation; (3) reporting of the debt to a credit bureau; (4) administrative wage garnishment; and (5) reporting of the debt, if discharged, to the IRS as potential taxable income. In addition, under the provisions of DCIA and other statutes applicable to the FEC, the debtor may be subject to the assessment of other statutory interest, penalties, and administrative costs.

In accordance with the DCIA, at your request, the agency will offer you the opportunity to inspect and copy records relating to the debt, the opportunity for a review of the debt, and the opportunity to enter into a written repayment agreement.

If You Choose To Pay the Civil Money Penalty

If you should decide to pay the civil money penalty, send the enclosed form and payment to the address on page 3 within 30 days of receipt of this letter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 C.F.R. § 111.42(b). Although the file must be placed on the public record within 30 days from the date of the Commission's notification, this could occur at any time following certification of the Commission's vote.

If you have any questions regarding the payment of the civil money penalty, please contact Dayna Brown on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

On behalf of the Commission,



Caroline C. Hunter
Chair

Attachment

ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the civil money penalty is \$4,400 for 2012 12 Day Pre-Primary Report.

This penalty should be paid by check or money order, made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission
PO Box 979058
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC # 979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The form and payment are due within 30 days of receipt of this letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTs). Your account will be electronically debited for the amount on the check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Wes Riddle for US Congress

FEC ID#: C00499160

AF#: 2528

PAYMENT AMOUNT DUE: \$4,400

FOR: Wes Kiddle for US Congress

FEC ID#: C00499160

AF#: 2528

PAYMENT AMOUNT DUE: \$4,400

3

FEDERAL ELECTION COMMISSION

Lockbox: GLX-979058 Ledger Date 12/10/2012

usbank.

St. Louis GA Lockbox
(314) 425-1818



Batch	Item	TID	Batch Total	Amount
1	2	Y-4069655	\$4,730.00	\$4,400.00